

REMARKS

Applicant has amended claims 1, 14, and 15. Claims 1-7 and 9-15 are presented for examination. Favorable reconsideration is respectfully requested.

35 U.S.C. § 103

Claims 1-7 and 9-15 were rejected as being allegedly unpatentable over U.S. Publication No. 2002/0089065 (Fujimoto) in view of U.S. Publication No. 2002/0011919 (Ito) or U.S. Patent No. 6,475,604 (Fuji) and U.S. 6,172,592 (Inoue). As shown above, Applicant has amended independent claim 1 to cover methods that include “chemically etching at least a portion of the base body, the first electrode, and the second electrode with an etching solution.”

Fujimoto describes a process of dipping a thermistor body in a solution in order to partially melt away its externally exposed surfaces and to thereby increase the resistance between the outer electrodes.”¹ Fujimoto is understood to describe an etching process in which both outer electrodes of a chip are dipped in a resist material and dried. The outer electrodes are then covered by a resist layer and placed in a basket with a solvent. The parts of the chip which are not covered by a resist layer are melted away, and the resist layers are then removed.² Fujimoto is also understood to describe an etching process in which the thermistor body is dipped in a solvent without first forming any resist layer thereon, and in which “the solvent 10 [is] of a kind such as a plating liquid which melts the thermistor body 32 but not the outer electrodes.”³ Neither of these embodiments, nor Fujimoto as a whole describe or suggest chemically etching at

¹ Fujimoto, paragraph 0005.

² Id., paragraph 0030.

³ See, e.g., id. at paragraph 0038 (emphasis added).

least a portion of the base body, the first electrode, and the second electrode with an etching solution.

In contrast, in the above-mentioned fabrication methods of Fujimoto, the electrodes are not chemically etched by an etching solution. As stated previously, in the first method, the electrodes are covered with a resist layer to avoid any etching of the electrodes by an etching solution. In the second method, Fujimoto expressly states that the solvent used in the etching process melts the thermistor body but not the outer electrodes. Thus, Fujimoto cannot be said to describe or to suggest chemically etching at least a portion of the base body, the first electrode, and the second electrode with an etching solution as required by Applicant's amended claim 1.

The Examiner relied upon Fuji, Ito, and Inoue in asserting that it would have been obvious to "use commonly used materials for electrodes of thermistor."⁴ However, no combination of these references can remedy the foregoing deficiencies of Fujimoto.

The Examiner has relied upon Fuji, Ito, and Inoue to teach materials that could be used in the fabrication processes described in Fujimoto. However, regardless of the materials described in these secondary references, Fujimoto describes fabrication methods in which the electrodes are either covered with a resist layer, or are impervious to type of etching solution used. Accordingly, Fuji, Ito, and Inoue cannot be combined with Fujimoto to describe or to render obvious chemically etching at least a portion of the base body, the first electrode, and the second electrode with an etching solution. For the foregoing reasons, claim 1 is believed to be patentable over the applied art.

⁴ Office Action dated January 13, 2009,

Independent claims 14 and 15 contain features that are similar to those recited in claim 1, and are believed to be patentable for at least the same reasons described above with regard to claim 1.

Each of the dependent claims is believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim, in light of the foregoing amendments, and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant : Christian Hesse
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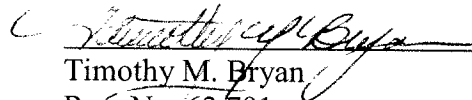
Attorney's Docket No.: 14219-0093US1 / P2003,0036
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In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please charge any additional fees, not already covered by check, or credit any overpayment, to deposit account 06 1050, referencing Attorney Docket No. 14219-093US1.

Respectfully submitted,

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